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ELAN MICROELECTRONICS CORPORATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ELAN MICROELECTRONICS
CORPORATION,

Plaintiff,

v.

APPLE, INC.,

Defendant.

Case No. 09-cv-01531 RS

**DECLARATION OF SEAN P.
DEBRUINE IN SUPPORT OF ELAN
MICROELECTRONICS
CORPORATION'S OPENING CLAIM
CONSTRUCTION BRIEF**

DATE: June 23, 2010
TIME: 1:30 p.m.
JUDGE: Richard Seeborg
CTRM: Courtroom 3, 17th Floor

AND RELATED COUNTERCLAIMS

1 I, Sean P. DeBruine, declare as follows:

2 1. I am a partner in the law firm of Alston & Bird LLP, counsel to Plaintiff Elan
3 Corporation (“Elan”) in this action. I have personal knowledge of the following facts, except as
4 otherwise stated. If called to testify, I could and would testify competently to the matters stated
5 herein.

6 2. Attached as Exhibit A is a true and correct copy of U.S. Patent No. 5,825,352.

7 3. Attached as Exhibit B is a true and correct copy of U.S. Patent No. 5,764,218.

8 4. Attached as Exhibit C is a true and correct copy of the text of an article appearing in
9 the April, 1992 edition of Computer Shopper magazine entitled “Whatever Happened to the
10 Gavilan Mobile Computer?” retrieved from the Dialog periodical database. (ELN016902 –
11 ELN016904).

12 5. Attached hereto as Exhibit D is a true and correct copy of UK published patent
13 application GB 2139762 A to Prosenko, *et al.*, assigned to Gavilan Computer Corp.

14 6. Attached as Exhibit E is a true and correct copy of U.S. Patent No. 7,274,353.

15 7. Attached as Exhibit F is a true and correct copy of U.S. Patent No. 7,495,659.

16 8. Attached as Exhibit G are true and correct copies of pages from the transcript of the
17 April 1, 2010 deposition of Brian Von Herzen, Ph.D.

18 9. Attached as Exhibit H is a true and correct copy of an Office Action dated October
19 24, 1996 from the prosecution history of U.S. Patent No. 5,764,218.

20 10. Attached as Exhibit I is a true and correct copy of an Amendment dated December,
21 26, 1996 from the prosecution history of U.S. Patent No. 5,764,218.

22 11. Attached as Exhibit J is a true and correct copy of the Notice of Allowability dated
23 March 7, 1997 from the prosecution history of U.S. Patent No. 5,764,218.

24 12. Attached as Exhibit K is a true and correct copy of the Claim Construction Order
25 issued April 6, 2007 in the case of *Elantech Devices Corp. v. Synaptics, Inc.*, Case No. C 06-
26 01839, Dkt. 91.

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I swear under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on May 7, 2010, at Palo Alto, California.

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